

## **REMARKS**

Claims 4-9, 21-23, 29-33, and 35-37 were pending in the application. By this paper, claims 36 and 37 have been amended. Claims 21-23 remain withdrawn and no claims have been canceled. Thus, claims 4-9, 21-23, 29-33, and 35-37 remain pending. Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

### **Claim Rejection - 35 U.S.C. §103**

Claims 4-9, 29-33, and 35-37 have been rejected under §103 as being obvious over Reithmeier, U.S. Patent No. 6,273,509 (Reithmeier) in view of Carlson, U.S. Patent No. 5,695,245 (Carlson). The office action states that Reithmeier discloses a child seat having a backrest with a top portion 22 movably connected and vertically adjustable relative to a bottom portion 14, each having a central support surface with the support surfaces being co-planar to form a substantially continuous support surface when the top portion 22 is in a lowermost position. The office action further states that Reithmeier discloses a flexible latch 70 to engage a selected one of a series of notches 26 and a release mechanism 46 to selectively disengage the latch 70 from the notch 26. The office action additionally states that if it is found that the support surfaces of the top and bottom portions of Reithmeier are not co-planar Carlson discloses such structure and it would have been obvious to one skilled in the art to modify Reithmeier in view of Carlson. Independent claims 36 and 37 have been amended herein and the remaining rejected claims depend directly or indirectly from these claims.

Amended claim 36 recites in part that the bottom portion of the backrest has a lower surface for connection to a seat base and an upper surface opposite the lower surface, wherein the upper surface extends substantially horizontally across the bottom portion. Amended claim 36 further recites in part that the top portion of the child seat has a belt guide located above the upper surface of the bottom portion providing a path for a vehicle seat belt over a shoulder of the occupant's body. Reithmeier does not disclose or suggest a child seat having a backrest with a belt guide on a top portion located above an upper surface of a bottom portion. Reithmeier does disclose a bottom portion 14 with an upper surface. However, Reithmeier describes in column 5, lines 17 and 18, that the bottom portion 14 includes guide portion 20 that forms a corresponding

part of the backrest (column 5, lines 17 and 18). Therefore, the upper surface of the bottom portion 14 of Reithmeier is the unnumbered upper surface of central guide portion 20.

Reithmeier also discloses a belt guide 38 on the head support 22. However, as seen most clearly in Fig. 2, this belt guide 38 is located *below* the upper surface of the bottom portion 14, 20 and is not located *above* the upper surface a bottom portion as claim 36 now recites.

Carlson discloses an orthotic seat to provide a seating support system for those with physical impairments. This seat is modular and includes seat bottom 12, a thoraco-lumbar module 14, and a cervical-head support module 16. The thoraco-lumbar 14 and the cervical-head support module 16 are adjustable along a strut 36. The office action does not identify which elements of Carlson correspond to the claimed top and bottom portions of the backrest. Carlson does not disclose or suggest a child seat having a backrest with a top portion having a belt guide located above an upper surface of a bottom portion providing a path for a vehicle seat belt over a shoulder of the occupant's body. The cervical-head support module 16 does include slots 66 to receive straps for retaining the head of a user. However, slots 66 are not a belt guide providing a path for a vehicle seat belt over a shoulder of an occupant's body. Additionally, slots 66 do not move toward and away from an upper surface of a bottom portion for proper orientation of a shoulder belt relative to an occupant's body.

Amended claim 36 additionally recites in part a separate and independently movable release mechanism located at a position spaced from the latch and configured to move substantially vertically to contact the latch to selectively disengage the latch from the notch. Reithmeier discloses a latch 70 to selectively engage a notch 26 and a release mechanism 46 to disengage the latch 70 from the notch 26. However, the latch 70 and the release mechanism 46 are integral with one another. As best seen in Figs. 7 and 8, the release mechanism 46 is integrally connected to the latch 70 through first lever arm 66, curved sliding back 82, and second lever arm 68. Thus, the release mechanism 46 of Reithmeier is not separate and independently movable from the latch 70. Furthermore, the release mechanism 46 of Reithmeier is not located at a position spaced from the latch and configured to move substantially vertically to contact the latch 70 to selectively disengage the latch 70 from the notch 26. Carlson does not disclose or suggest a latch, notches, or release mechanism as claimed. Thus, Reithmeier taken

alone or in combination with Carlson does not disclose a backrest of a child seat as recited in claim 36.

Amended claim 37 recites in part that the support surface of the top portion provides a neck and head rest and the support surface of the bottom portion provides an upper and lower back rest, so that the head and neck rest and the upper and lower back rest form a substantially vertically continuous surface when the top portion is in a lowermost position. Amended claim 37 additionally recites in part that the top portion is movably connected to the bottom portion to adjust the neck and head rest of the top portion vertically upward or downward relative to the upper and lower back rest of the bottom portion.

Neither Reithmeier nor Carlson disclose or suggest such a structure. The office action states that the head support 22 of Reithmeier corresponds to the applicants' claimed top portion of the backrest. However, the head support 22 of Reithmeier does not include a support surface that provides a neck and head rest to support the occupant's neck and head. The only part of the head rest 22 of Reithmeier that supports the head is the two side support portions 28. The tall central guide portion 20 of Reithmeier supports the neck and back of a user's head. Therefore, Reithmeier does not disclose or suggest an adjustable backrest in which the head and neck rest and the upper and lower back rest form a substantially vertically continuous surface when the top portion is in a lowermost position. Reithmeier further fails to disclose or suggest that the top portion is movably connected to the bottom portion to adjust the neck and head rest vertically upward or downward relative to the upper and lower back rest of the bottom portion. Carlson does not disclose or suggest a backrest for a child seat with a top portion having a neck and head rest to support the occupant's neck and head and a bottom portion having an upper and lower back rest to support the occupant's upper and lower back. In Carlson, the seat bottom 12 includes an upright wall assembly 22 that supports a user's lower back. The thoraco-lumbar module 14 supports a user's upper back and the cervical-head support module 16 supports a user's neck and head. Therefore, Carlson fails to disclose or suggest a top portion movably connected to a bottom portion to adjust a neck and head rest vertically upward or downward relative to an upper and lower back rest of a bottom portion.

Amended claim 37 also recites in part a separate and independently movable release mechanism located at a position spaced from the latch and configured to move substantially vertically to contact the latch to selectively disengage the latch from the notch. As pointed out above with respect to claim 36, Reithmeier alone or in combination with Carlson does not disclose or suggest an adjustable backrest of a child seat as recited in claim 37.

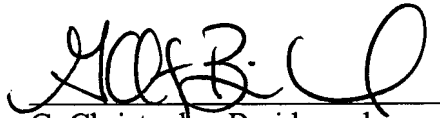
Claims 4-9, 29-33, and 35 depend either directly or indirectly from and further define claim 36. Since claims 36 and 37 define over Reithmeier taken alone or in combination with Carlson, the outstanding rejection should be withdrawn and claims 4-9, 29-33, and 35-37 should be allowed. Claims 21-23 are withdrawn but indirectly depend from and further define claim 36. Claims 21-23 should be reinstated and allowed as being dependent from an allowable generic claim.

### **CONCLUSION**

The applicants believe that pending claims 4-9, 21-23, 29-33, and 35-37 are now in condition for allowance. Reconsideration and withdrawal of the claim rejections and allowance of the claims are hereby respectfully solicited in view of the foregoing amendments and remarks.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance. This paper is accompanied by an RCE and the necessary fee. No additional fee is believed due at this time.

Respectfully submitted,



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